



POLICY AND PROCEDURE

NO. 25-02

MONTGOMERY COUNTY FIRE AND RESCUE COMMISSION

EFFECTIVE DATE:

August 28, 2001

TITLE

Fire Scene Preservation & Fatal Fires Investigation

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MONTGOMERY COUNTY FIRE AND RESCUE SERVICE POLICY

FIRE SCENE PRESERVATION AND FATAL FIRES INVESTIGATION

Issued by: Montgomery County Fire and Rescue Commission

Authority: Code Section 21-2.(d)(2)

Policy No. 25-02

Supersedes: FRC Executive Regulation No. 26-90

Effective Date: August 28, 2001

SUMMARY: This policy establishes a procedure to preserve the integrity of incident scenes involving fires of a suspected incendiary nature, fires where other criminal acts may be suspected, fires involving serious injury and/or death, or fires where the cause and origin is undetermined.

DEADLINES: Local Fire and Rescue Departments Comment: 1/31/01
Montgomery County Fire Board Comment: January 31, 2001
Division of Fire and Rescue Services Comment: 1/31/01

ADDRESS: Address comments pertaining to the proposed policy to Beth Feldman, 12th Floor, 101 Monroe Street, Rockville, MD 20850. Comments may also be submitted via e-mail/internet to beth.feldman@co.mo.md.us.

STAFF: For additional information, please contact Beth Feldman on (240) 777-2423.

BACKGROUND: The proposed policy amends the existing procedure for on-duty personnel to follow at the scene of a fire if serious injury or death has occurred, if criminal activity is suspected, or if the fire's origin and cause is undetermined.

Sec. 1. Purpose. Fire scenes must be preserved when a fatality is discovered or occurs at the scene, if criminal activity is suspected, or if the origin and cause of the fire is difficult to determine. This policy provides guidance for personnel who are responsible for preserving these fire scenes when the assistance of a fire investigator or the police must be requested.



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Sec. 2. **Applicability.** This policy applies to all Montgomery County Fire and Rescue Service personnel, both career and volunteer.

Sec. 3. Definitions.

- a. **Chain of Custody.** Continuous tracking of changes in the possession of physical evidence that must be established in court to admit such material into evidence.
- b. **Fire and Explosive Investigations Duty Officer.** A supervisor from the Department of Fire and Rescue Service's Fire and Explosive Investigation Section who is assigned to oversee the on-scene investigation of an incident.
- c. **Fire and Explosives Investigator.** A member of the Department of Fire and Rescue Service's Fire and Explosive Investigation Section who is charged with the responsibility of investigating fires and explosions.
- d. **Incident Commander.** The senior officer or designated Officer-in-Charge of an incident, who is responsible for the strategic decisions and the assignment of other supervisory functional positions necessary to control an incident, in accordance with the Integrated Emergency Command Structure.
- e. **Law Enforcement Investigator.** A police detective assigned to a special unit to investigate specific crimes of violence.
- f. **Personnel.** All on-duty fire, rescue, and emergency medical service personnel, including career, volunteer, and County Merit System employees.

Sec. 4. **Policy.** It is the policy of the Fire and Rescue Commission to ensure that **personnel** preserve the integrity of the scene of a fire where a fatality or serious injury has occurred, when criminal activity is suspected, or if the fire's origin and cause is undetermined. All **personnel** must cooperate with **Fire and Explosive Investigators** and **Law Enforcement Investigators** investigating the incident.

Sec. 5. Procedure.

- a. The **Incident Commander** must preserve the scene of fires if a fatality, serious injury, or death has occurred, if criminal activity is suspected, or if the origin and cause of the fire is undetermined. Access to the fire scene must be



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restricted to **personnel** necessary to carry out essential fire control and minimal overhaul operations.

- b. The **Incident Commander** must notify the Emergency Communications Center (ECC) and request a **Fire and Explosive Investigator** as soon as possible when there is a serious injury or death involving fire.
- c. The **Incident Commander** must secure the scene immediately after fire suppression and minimal overhaul activities are completed by posting a firefighter at each entrance and using barrier tape to control the overall access to the scene. Orders must be given to prohibit access until the **Fire and Explosive Investigator** or **Law Enforcement Investigator** arrives.
- d. At the request of the **Fire and Explosive Investigator**, the **Incident Commander** will assign **personnel** to assist the **Fire and Explosive Investigator** and provide any necessary equipment.
- e. **Personnel** who are operating on the fire scene must limit their efforts to extinguishing the fire only. Nothing should be removed from the scene, unless the object cannot be extinguished or may injure person(s).
- f. If an obvious fatality is discovered, the body must not be removed. It must be left in the position where it was found. If the body was moved before investigators arrive because of a life saving attempt, or for fire control purposes, the **Incident Commander** must ensure that **personnel** secure the body where it is located. The body's original location and position must be documented as soon as possible, and the first on-scene **Fire and Explosive Investigator** or **Law Enforcement Investigator** must be informed. Only the Deputy Medical Examiner or **Law Enforcement Investigator** can give permission to move any fatality. In extenuating circumstances where not moving the body would result in severe additional personal injury, death, or damage, the **Fire and Explosive Investigations Duty Officer** may give permission to move the body.
- g. The **Incident Commander** must maintain the **chain of custody** of the fire scene or of any suspected evidence until relieved by the **Fire and Explosive Investigator** or **Law Enforcement Investigator**.



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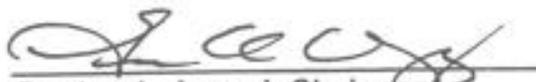
Sec. 6. Responsibility.

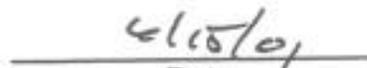
- a. The **Incident Commander** is responsible for implementing the provisions of this policy.
- b. The on-scene **Fire and Explosive Investigator** must be familiar with the most current issuance of Montgomery County Police Function Code No. 613-*Fire/Rescue Operations and Investigations*. The on-scene **Fire and Explosives Investigator** must also ensure that:
 1. the scene is secured;
 2. the **Fire and Explosive Investigations Duty Officer** and Assistant Fire Marshal for Investigations are en route to the scene if a serious injury or death has occurred;
 3. the **Law Enforcement Investigator** and Deputy Medical Examiner are en route to the scene if a fatality has resulted from the incident;
 4. the entire scene is photographed before, during, and after any examination regarding the origin and cause of the fire; and
 5. drawings/sketches of the entire scene are completed, including furniture layouts and measurements.

Sec. 7. **Enforcement.** The Fire Administrator is the enforcement authority for all policies and regulations of the Fire and Rescue Commission.

Sec. 8. **Effective Date.** This policy is effective on August 28, 2001

Attest:

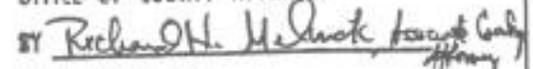

Gordon A. Aoyagi, Chairman
Fire and Rescue Commission


Date

Fire scene preservation/fatal fire investigation clean final wp bf 6/1/01

APPROVED AS TO FORM AND LEGALITY.

OFFICE OF COUNTY ATTORNEY

BY 
Attorney

DATE 6-12-01